

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/05-03/09
Date: **14 July 2026**

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN

Public

Public redacted version of "Update", 23 October 2023, ICC-02/05-03/09-729-Conf

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL BACKGROUND

1. On 15 September 2023, the Trial Chamber (“Chamber”) ordered the Prosecution to provide an update regarding the suspected whereabouts of Mr Banda and the efforts being made to secure his arrest (“Order”).¹

2. On 21 September the Prosecution requested a one-week extension to provide this update on 5 October 2023.² On 22 September, the Chamber granted the Prosecution’s request.³

3. On 5 October 2023, the Prosecution submitted its request to withdraw the charges against Mr Banda on the basis that there is no longer a reasonable prospect of conviction due to the significant deterioration of key evidence which cannot be strengthened through further investigation.⁴

4. On 13 October, the Chamber rejected the Prosecution’s request, and ordered the Prosecution to provide the update outlined in the Order.⁵

II. CLASSIFICATION

5. Pursuant to regulation 23bis(2) of the Regulations of the Court, the Prosecution files this update as confidential, *ex parte*, only available to the Prosecution, since it is in response to an order with this classification.

III. UPDATE

The suspected whereabouts of Mr Banda

¹ Order directing the Registry and the Prosecution to provide updates [ICC-02/05-03/09-723-Conf-Exp](#), para. 3(A).

² Prosecution’s request under Regulation 35 for an extension of time to file a written update [ICC-02/05-03/09-724-Conf-Exp](#).

³ Decision on the Prosecution’s request under Regulation 35 for an extension of time to file a written update [ICC-02/05-03/09-725-Conf-Exp](#).

⁴ Prosecution request to withdraw the charges against Abdallah Banda Abakaer Nourain and Response to Order directing the Registry and the Prosecution to provide updates [ICC-02/05-03/09-727-Conf-Exp](#).

⁵ Decision on the Prosecution’s request to withdraw the charges against Abdallah Banda Abakaer Nourain [ICC-02/05-03/09-728-Conf-Exp](#).

6. According to the information available to the Prosecution, as of September 2023, Mr Banda has been located [REDACTED]. In addition, the Prosecution has received information that Mr Banda moves [REDACTED].

The efforts being made to secure Mr Banda's arrest

7. The Prosecution continues to liaise with the Registry regarding the whereabouts and activities of Mr Banda. There are currently no efforts being made by the Prosecution to secure the arrest of Mr Banda.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 14th day of July 2026

At The Hague, The Netherlands